

Appl. No. 10/774,146
Reply to Office Action of November 30, 2006

REMARKS

Applicants appreciate the recognition of patentable subject matter in the present application.

Applicants also appreciate the withdrawal of the previous prior art rejections.

Claims 1-5, 8-16, 18-24, and 27-40 stand rejected under 35 USC 102 for anticipation by U.S. Patent No. 6,995,655 to Ertin et al.

Applicants respectfully request reconsideration of the rejections.

Referring to the anticipation rejections, Applicant notes the requirements of MPEP §2131 (8th ed., rev. 5), which states that TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM. The **identical invention** must be shown in as complete detail in the prior art as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements of the prior art must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicants respectfully submit that positively recited limitations of the claims are not disclosed nor suggested by the prior art and the 102 rejection is improper for at least this reason.

Referring to claim 1, the method recites providing identification information regarding a group of wireless identification devices, and using the identification information, selecting one of a plurality of different search procedures for identifying unidentified ones of the wireless identification devices within the wireless communications range. The limitations are not disclosed nor suggested in the prior art and Applicants respectfully submit the 102 rejection is improper for at least this reason.

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The Office identifies col. 4, lines 47-60 of Ertin as allegedly teaching the above-identified limitations. The teachings of lines 47-60 correspond to Fig. 2 which is clearly disclosed as a *single method* for identifying tags 44 corresponding to use of readers capable of simplex modes of communication per col. 5, lines 38+ of Ertin. The act 102 of lines 47-60 merely teaches the reader issuing a "who is out there" and initial timeframe command which fails to teach or suggest the claimed *selecting one of a plurality of different search procedures* let alone *selecting using the provided identification information* as positively claimed.

The Office has failed to provide any explanation as to how the issuance act 102 of the single identification method of Fig. 2 is considered to teach or suggest the claimed selecting one of a plurality of different search procedures using the provided identification information.

Positively-recited limitations are not disclosed nor suggested by the prior art and claim 1 is allowable for at least this reason.

The claims which depend from claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 12, the method recites *identifying a first of the wireless communications devices, identifying a second of the wireless communications devices, and selecting one of a plurality of different search procedures responsive to the identifications*. These limitations are not disclosed nor suggested by the prior art and claim 12 is allowable for at least this reason.

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The teachings of col. 4, lines 1-27 teach a backscatter communication method and fail to teach or suggest the claimed identifying the first of the wireless communications devices as claimed.

In addition, the Office relies upon the teachings of col. 5, lines 23-47 as allegedly teaching the claimed selecting. Applicants respectfully disagree. The teachings of col. 5, lines 23+ state that Fig. 2 is appropriate for use with readers which use simplex-mode communications (no simultaneous transmit and receiving) while Fig. 3 is appropriate for use with readers which use duplex-mode communications (bidirectional RF communications). These teachings of the prior art fail to teach or suggest any *selecting one of a plurality of different search procedures* let alone the claimed *selecting responsive to the identifyings*. Applicants respectfully submit that the teachings of the different Figs. 2 and 3 of Ertin for different configurations of the readers being simplex or duplex fail to teach or suggest the selecting which is positively recited in claim 12.

Positively-recited limitations are not disclosed nor suggested by the prior art and claim 12 is allowable for at least this reason.

The claims which depend from claim 12 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 18, col. 4, lines 48-60 of Ertin teach the issuance of a discovery command at step 102 of Fig. 2 which fails to teach or suggest the claimed *first selecting one of a plurality of different search procedures for identifying the wireless identification devices of the first group*. The discovery command of step 102 further fails

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to teach or suggest that the first selecting comprises selecting using the first identification information regarding the first group.

Claim 18 further positively recites *second selecting an other of the different search procedures using second identification information regarding a second group.* The Office has failed to identifying any teachings of the prior art which allegedly disclose the claimed second selecting and Applicants have failed to uncover any teachings of such limitations in Ertin.

Positively-recited limitations are not disclosed nor suggested by the prior art and claim 18 is allowable for at least this reason.

As set forth above, the Office has failed to identify teachings of the prior art which allegedly teach positively claimed limitations of claim 18. In the event that a rejection of the claims is maintained with respect to the prior art, or a new rejection made, Applicants respectfully request identification *in a non-final action* of elements which allegedly correspond to limitations of the claims in accordance with 37 C.F.R. §1.104(c)(2). In particular, 37 C.F.R. §1.104(c)(2) provides that *the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified*. Further, 37 C.F.R. §1.104(c)(2) states that the Examiner must cite the best references at their command. *When a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular teachings relied upon must be designated as nearly as practicable*. Applicants respectfully request clarification of the rejections with respect to specific references and specific reference teachings therein pursuant to 37 C.F.R. §1.104(c)(2) in a *non-final Action* if the claims are not found to be allowable.

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The claims which depend from claim 18 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 20, Applicants have failed to uncover any teaching in col. 4, lines 48-67 of the claimed processing circuitry configured to analyze a number of wireless identification devices which may be present within the wireless communications range, a range of identifiers of devices which may be present in the communications range or the analysis of the number of devices with respect to the range of identifiers. The rejection of claim 20 is improper for at least this reason.

Furthermore, the Office has failed to identify any teachings of the prior art which allegedly disclose the claimed processing circuitry configured to select one of a plurality of search procedures responsive to the analysis and Applicants have failed to uncover any teachings of such limitations in Ertin.

Positively-recited limitations are not disclosed nor suggested by the prior art and claim 20 is allowable for at least this reason.

The Office has failed to identify teachings which allegedly disclose limitations of claim 20 contrary to the CFR and Applicants respectfully request issuance of a non-final Action if claim 20 is not allowed so Applicants may appropriately respond.

The claims which depend from claim 20 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 29, the teachings of col. 5, lines 53-67 with respect to the duplex mode reader of Ertin including issuance of a discovery command signal and

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providing a constant RF illumination field fails to teach or suggest the claimed limitations that the *wireless communications reader is configured to select the first and the second search procedures responsive to an analysis of group identification information of respective ones of the first group and the second group* as positively defined in claim 29.

Positively-recited limitations are not disclosed nor suggested by the prior art and claim 29 is allowable for at least this reason.

The claims which depend from claim 29 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 32, the teachings of col. 1, lines 48-67 of Ertin fail to teach or suggest the claimed *access of information regarding a plurality of wireless identification devices which may be within a communications range of the wireless communications reader.*

The teachings of col. 1 of Ertin fail to teach or suggest *selection of one of different search procedures* and *wherein the different search procedures comprise procedures for identifying unidentified ones of the wireless identification devices as specifically claimed.*

Further, the teachings of col. 1 of Ertin fail to teach or suggest the *selection using the accessed information.*

Positively-recited limitations are not disclosed nor suggested by the prior art and claim 32 is allowable for at least this reason.

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The claims which depend from claim 32 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.


The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated:

2/28/07

By:


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